

STATE WATER RESOURCES CONTROL BOARD

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**NOTICE OF PUBLIC HEARING**

**Consideration of a Water Quality Control Plan for the
 San Francisco Bay/
 Sacramento-San Joaquin Delta Estuary**

February 23, 1995 -- 9:00 AM

(and additional days as may be necessary)
 1416 Ninth Street, First Floor Auditorium
 Sacramento, California

SUBJECT OF HEARING

The State Water Resources Control Board (SWRCB) is convening this hearing to consider adopting a new water quality control plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta Estuary). A copy of the draft plan and accompanying environmental documentation can be obtained from Renee Knox by calling (916) 657-1361.

The purpose of this hearing is to receive comments and recommendations regarding the draft plan. The SWRCB will consider adoption of the draft plan at a subsequent public meeting. The regulatory portions of the adopted plan will be submitted to the Office of Administrative Law for its approval, and the plan will be submitted to the United States Environmental Protection Agency (USEPA) for approval of the portions that are subject to federal approval. After adopting the plan, the SWRCB will initiate a water right proceeding in order to allocate responsibility to meet the standards among the water right holders who divert water from the watersheds of the Bay-Delta Estuary and to establish terms and conditions on the use of affected water rights. Appropriate documentation under the California Environmental Quality Act (CEQA) will be prepared before adoption of a water right decision.

BACKGROUND

The Bay-Delta Estuary includes the Sacramento-San Joaquin Delta, Suisun Marsh and the embayments upstream of the Golden Gate. The Delta and Suisun Marsh are located where California's two major river systems, the Sacramento and San Joaquin rivers, converge to flow westward to meet incoming seawater tides flowing through the San Francisco Bay.

The watershed of the Bay-Delta Estuary is a critical source of water supply for much of the State, including the needs of a growing population, expanding economy and the aquatic environment. The watershed is a source of drinking water for two-thirds of the State's population; it supplies some of the State's most productive agricultural areas; and it provides water to one of the largest estuarine systems on the west coast of the United States.

Two major water distribution systems release stored water into and divert water from the Delta: the State Water Project (SWP) operated by the California Department of Water Resources and the Central Valley Project (CVP) operated by the U.S. Bureau of Reclamation. Numerous other water storage and diversion projects influence the inflows into and outflows from the Bay-Delta Estuary.

Water quality objectives and flow and operational requirements to protect beneficial uses of Bay-Delta Estuary waters were adopted in the 1978 Delta Water

Quality Plan and Water Right Decision 1485 (D-1485). The SWRCB opened public proceedings in July 1987 to review these documents for adequacy. In May 1991, the SWRCB adopted the 1991 Water Quality Control Plan for Salinity (1991 Bay-Delta Plan) which set new objectives for salinity, dissolved oxygen and temperature for protection of fisheries-related and agricultural supply beneficial uses. The 1991 Bay-Delta Plan did not amend the flow and operational objectives for protection of fisheries-related beneficial uses, because the SWRCB intended to address flow and operations in a subsequent water right decision. In September 1991, USEPA disapproved parts of the 1991 Bay-Delta Plan because USEPA believed that it did not provide adequate protection for the estuarine habitat and other designated fish and wildlife uses of the Bay-Delta Estuary.

After adopting the 1991 Bay-Delta Plan, the SWRCB began preparing a water right decision and an accompanying EIR. Meanwhile, monitoring data showed that segments of the public trust resources of the Bay-Delta Estuary were declining due to both the drought and the inadequacies of the D-1485 standards. On April 6, 1992 the Governor responded to this situation by announcing a new water policy. The water policy, which has many elements, specifically charged the SWRCB to develop interim standards within a year. In response, the SWRCB released draft Water Right Decision 1630 in December 1992. Subsequently, the SWRCB announced that it would not adopt draft Decision 1630 because the combination of the end of the prolonged drought and regulatory controls imposed by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, under the authority of the federal Endangered Species Act, provided adequate protection of public trust resources in the interim period.

The USEPA shortly thereafter initiated promulgation of water quality standards to protect estuarine habitat and fish and wildlife uses in the Bay-Delta Estuary, pursuant to Clean Water Act section 303(c)(4) (33 U.S.C. §1313(c)(4)). USEPA published the draft standards in the Federal Register on January 6, 1994 (59 Fed.Reg. 813) and promulgated them on December 15, 1994.

The objectives set forth in the SWRCB's draft plan are consistent with the water quality standards and opera-

tional constraints set forth in the Principles for Agreement on Bay-Delta Standards Between the State of California and the Federal Government, signed on December 15, 1994. By executing the agreement, the parties to the agreement, including representatives of the State and Federal governments and urban, agricultural and environmental interests proposed these objectives to the SWRCB for its adoption. The USEPA will withdraw its standards when the SWRCB adopts a final plan consistent with the Principles for Agreement.

REGULATORY BASIS FOR ACTION

The SWRCB has prepared this water quality control plan under the Porter-Cologne Water Quality Control Act of 1969, as amended. (Wat.Code §13000 et seq.) The SWRCB is authorized, under Water Code section 13170, to adopt water quality control plans in accordance with the provisions of section 13240 et seq. Water Code Section 13240 requires that water quality control plans adopted by the SWRCB must be periodically reviewed and may be revised. In addition, the Clean Water Act requires a triennial review of water quality control plans. The proposed action is part of the required periodic review of the 1991 Bay-Delta Plan and also reviews the flow and operational objectives in the 1978 Delta Plan.

Also, CEQA requires that the SWRCB conduct an analysis of the impacts of the proposed plan and alternatives. The water quality planning process is exempt from the requirements of CEQA for preparing a separate environmental document (14 CCR 15251(g)). Consequently, the plan with its accompanying appendix which analyzes the plan's environmental effects is a substitute for a separate environmental document.

HEARING PROCEDURES

The hearing will be conducted in accordance with the procedural requirements of Division 7 (commencing with section 13000) of the Water Code, including the regulations of the SWRCB set forth at 23 California Code of Regulations section 649 et seq. and in compliance with the public participation requirements of the federal Clean Water Act (33 U.S.C. section 1251 et seq.) as set forth at 40 CFR section 25.

A court reporter will record all of the testimony. Parties desiring copies of the hearing transcripts must

make their own arrangements with the court reporter.

There will be no sworn testimony or cross examination of participants, but the SWRCB and its staff may ask clarifying questions.

Each party who wishes to submit written comments or other documents during the hearing shall provide to the staff of the SWRCB either prior to or at the time of the hearing twenty copies of each document and shall also provide enough copies for each of the other parties at the hearing. Each document should identify, at the top of the first page, the party submitting it. Participants will be asked to provide their comments in writing and orally summarize their comments. Initial time limits of 20 minutes or less will likely be imposed on oral presentations. Additional time for oral presentations may be granted at the hearing officer's discretion if the participant provides adequate reasons for requesting more time. Additional time may be denied if the testimony can be adequately presented in writing with a short oral summary. Participants with similar interests are requested to make joint presentations.

INFORMATION REGARDING HEARING

Questions concerning this notice may be directed to Thomas R. Howard, Chief, Bay-Delta Unit, at (916) 657-1873 or Barbara J. Leidigh, Senior Staff Counsel, at (916) 657-2102.

PARKING AND ACCESSIBILITY

The attached map shows the location of the workshop and available parking. This site is accessible to persons with disabilities.

Maureen Marché

Maureen Marché
Administrative Assistant to the Board

Dated: JAN - 3 1995

